



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson

Steve Tate, Vice-Chairperson

Larry Carr, Agency Member

Mark Grzan, Agency Member

Greg Sellers, Agency Member

COUNCIL MEMBERS

Dennis Kennedy, Mayor

Steve Tate, Mayor Pro Tempore

Larry Carr, Council Member

Mark Grzan, Council Member

Greg Sellers, Council Member

WEDNESDAY, FEBRUARY 23, 2005

AGENDA

JOINT MEETING

REDEVELOPMENT AGENCY REGULAR MEETING

and

CITY COUNCIL SPECIAL MEETING

7:00 P.M.

A Special City Council Meeting Is Called at 7:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Chairperson/Mayor

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Community and Cultural Center Lighting Installation
Jon Maxey and Jim Tarp

Police Department's Child Friendly Interview Room Painting
Artist - Jane Edberg

PRESENTATIONS

Morgan Hill Community Foundation Annual Report
Dave Reisenauer

CITY COUNCIL SUBCOMMITTEE REPORTS

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 1-3

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1. JANUARY 2005 REDEVELOPMENT AGENCY FINANCE & INVESTMENT REPORT 1**
Recommended Action(s): Accept and File Report.

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

2. **PURCHASE AND SALE OF A BELOW MARKET RATE (BMR) PROPERTY** 11
Recommended Action(s):
 1. **Authorize** the Executive Director to Negotiate, Prepare and Execute the Necessary Documents with World Savings Bank, or its Agent, in an Amount not to Exceed \$210,000; Subject to Review and Approval of Agency Counsel;
 2. **Authorize** the Executive Director to Use up to \$10,000 to Complete any Necessary Repairs for the Unit and to Cover any Escrow Closing Cost; and
 3. **Authorize** the Executive Director to do Everything Necessary and Appropriate to Prepare and Execute the Agreements Required to Sell the Unit to an Eligible BMR Buyer in an Amount not to Exceed \$220,000 in Accordance with Program Guidelines.

3. **HABITAT FOR HUMANITY – HOUSING PROJECT** 13
Recommended Action(s): Approve in Concept a Grant to Silicon Valley Habitat for Humanity, in an Amount not to Exceed \$560,000, for the Construction of a Six-Unit Affordable Ownership Housing Project.

City Council Action

CONSENT CALENDAR:

ITEMS 4-8

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

4. **JANUARY 2005 CITY FINANCE & INVESTMENT REPORT** 21
Recommended Action(s): Accept and **File** Report.

5. **TIME ESTABLISHED FOR CITY COUNCIL PUBLIC HEARINGS** 47
Recommended Action(s): Amend City Council Policy, CP-98-02, Relating to the Established Time for City Council Public Hearings to Reflect a 7:00 P.M. Public Hearing Time, Effective April 2005.

6. **APPROVAL OF RESOLUTION PROVIDING JOB TITLES AND COMPENSATION FOR TEMPORARY/SEASONAL JOBS** 51
Recommended Action(s): Adopt Resolution for Temporary/Seasonal Employees.

7. **APPROVE SPECIAL CITY COUNCIL CLOSED SESSION MEETING MINUTES OF FEBRUARY 9, 2005** 69

8. **APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 9, 2005** 71

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 9

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

9. **APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 2, 2005** 75

City Council Action

PUBLIC HEARINGS:

Time Estimate

Page

10.	90 Minutes	<u>APPEAL OF RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PROJECT EVALUATIONS</u>	111
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Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed

Council Discussion.

Action-

1) **Conduct Public Hearings** for the Following Applications:

- a. **AP-05-01/MC-04-13: Barrett-Odishoo**
Appeal of the Planning Commission's Measure C evaluation for a proposed 36 unit residential development on 7.064 acres located at the south east corner of Barrett Avenue and Butterfield Boulevard. (APN 817-33-003)
- b. **AP-05-02/MC-04-12: E. Dunne-Dempsey**
Appeal of the Planning Commission's Measure C evaluation for a proposed 78 unit single-family development on 14.97 acres on the south side of East Dunne Avenue east of Butterfield Boulevard and west of San Benancio Way. (APN 817-11-046, 817-11-067)
- c. **AP-05-03/MC-04-08: Central-Delco**
Appeal of the Planning Commission's Measure C evaluation for a proposed 34 unit single-family development on 5.04 acres at the terminus of Calle Cerro at the southeast corner of Central Avenue and Butterfield Boulevard. (APN 726-22-051)
- d. **AP-05-04/MC-04-11: San Pedro-Delco**
Appeal of the Planning Commission's Measure C evaluation for a proposed 52 unit single-family development on 9.96 acres at north side of San Pedro Avenue and west of the southerly extension of Walnut Grove Drive. (APN 817-11-002)
- e. **AP-05-05/MMC-04-07: Ginger-Custom One**
Appeal of the Planning Commission's Measure C evaluation for a proposed six unit single family residential project on 1.43 acre parcel on the south side of an extension to Ginger Way, west of Taylor Avenue. (APN 726-36-057)
- f. **AP-05-06/MC-04-17: San Pedro-Alcini**
Appeal of the Planning Commission's Measure C evaluation for a proposed 12 unit single family residential on a 1.65 acre parcel at the northwest corner of the intersection of San Pedro Avenue and Church Street. (APN 817-01-001)
- g. **AP-05-07/MC-04-21: Barrett-Syncon Homes**
Appeal of the Planning Commission's Measure C evaluation for a proposed 52 unit residential development on 13.49 acres located on the north side of Barrett Avenue east of Butterfield Boulevard and west of San Ramon Drive. (APN 817-59-060 and 817-57-001)
- h. **AP-05-08/MC-04-04: Diana-Chan**
Appeal of the Planning Commission's Measure C evaluation for a proposed 91 unit single family development on 34.4 acres at the south side of Diana Avenue east of Murphy Avenue and west of Hill Road. (APNs 728-18-012, 728-19-001,002,003, 728-20-037,038)

Action-

2) **Adopt** Resolution Affirming/Modifying the Planning Commission Evaluation.

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
11.	10 Minutes	<u>CASA DIANA MIXED-USE HOUSING PROJECT PREDEVELOPMENT LOAN</u>	251
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> the Concept for the Development of Casa Diana, a Transit-Oriented, Mixed-Use Housing-Commercial Project; and	
		2. <u>Authorize</u> the Executive Director to do Everything Necessary and Appropriate to Negotiate, Execute, and Implement a Predevelopment Loan Agreement in the Amount of \$50,000 with EAH, Inc.; Subject to Review and Approval of Agency Counsel.	
12.	10 Minutes	<u>PUBLIC ART AT THE MORGAN HILL TRAIN STATION</u>	255
		<u>Recommended Action(s):</u> <u>Commit</u> \$50,000 in Metropolitan Transportation Commission (MTC) "Transportation for Livable Communities" (TLC) Grant Funds to the Arts and Cultural Alliance of Morgan Hill (ACA) for a Bronze Sculpture Entitled "Waiting for the Train"; Contingent Upon the ACA Raising Matching Funds, in the Amount of \$52,000 Plus Site Preparation Costs, by March 1, 2006.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
13.	10 Minutes	<u>AMENDMENT OF ORDINANCE NO. 1616, NEW SERIES REGARDING THARALDSON PLANNED UNIT DEVELOPMENT (PUD)</u>	267
		<u>Recommended Action(s):</u> <u>Direct</u> Staff to Proceed with an Amendment to the PUD to Allow In-N-Out Restaurant to Proceed without Requiring Construction of a Sit-Down Restaurant Prior to the Issuance of a Building Permit for In-N-Out; and <u>Consider Better Defining</u> the Term Sit-Down Restaurant.	
14.	15 Minutes	<u>CONSIDERATION OF COUNCIL'S 2005 GOALS</u>	275
		<u>Recommended Action(s):</u> <u>Review</u> Draft Goals, and Adopt or Revise as Appropriate.	

Redevelopment Agency Action and City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director
Employee Organizations: AFSCME Local 101
Morgan Hill Community Service Officers Association

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT